

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL GRIMMETT,

Plaintiff,

-against-

CORIZON MEDICAL ASSOCIATES OF NEW YORK;
ALLAN MATTHEW, DDS,; DR. SHARMA, MD, SITE
MEDICAL DIRECTOR OF NEW YORK CITY
DEPARTMENT OF CORRECTIONAL SERVICES,
MANHATTAN DETENTION CENTER,
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**STIPULATION OF
SETTLEMENT**

Case No.: 15-CV-7351

NYC Law Dep't #:

NYC Comptroller #:

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties and attorneys of record, based upon full authority given by the respective parties, that this action is settled for the total amount of ninety thousand dollars (\$90,000), inclusive of costs, interest, attorney's fees, and disbursements, and subject to statutory liens and/or statutory rights to reimbursement by third-parties, including Medicaid, Medicare, Medicare Advantage Plans (MAPs) and prior attorneys, and that for purposes of Medicaid, Medicare, and any other statutory right of reimbursement, this settlement includes compensation for medical expenses.

IT IS FURTHER STIPULATED AND AGREED that based upon this settlement and as a condition of payment to CPLR 5003-a, the plaintiff(s) agree to comply with all the terms of CPLR 5003-a(b), including but not limited to providing a stipulation of discontinuance of this action with prejudice for CORIZON HEALTH INC. s/h/a "CORIZON MEDICAL ASSOCIATES OF NEW YORK" to the City and release and discharge the City of New York, its/their past and present officers, managers, administrators, employees, agents, and representatives, and all other individually named defendants and entities represented and/or indemnified by the City of New York. Plaintiff has been advised and agrees that he is forever barred from seeking any other recovery relating to the subject incident.

IT IS FURTHER STIPULATED AND AGREED that prior to tendering the requisite documents for payment, as provided in CPLR 5003-a(b), any Medicare-recipient plaintiff shall have notified his/her Medicare provider of the settlement and obtained and submitted with the closing papers a final demand letter from the Medicare provider for reimbursement of secondary payments made related to the claimed injury in this matter. A Medicare Set-Aside Allocation for future medical costs related to the claimed injury may be necessary pursuant to 42 U.S.C. §1395y(b).

IT IS FURTHER STIPULATED AND AGREED that plaintiff agrees to hold harmless the City of New York, and Corizon Health, Inc. s/h/a "Corizon Medical Associates of New York" as well as the City's past and present officers, managers, administrators, employees, agents, and representatives, and all other individually named defendants and entities represented and/or indemnified by the City of New York, regarding any liens, claims, or past Medicare or secondary payments, presently known or unknown in connection with this matter. If the Medicare claim has not been satisfied, defendant(s) reserve(s) the right to issue a multi-party settlement check, naming Medicare as a payee, or to issue a check to Medicare directly based on the Medicare provider's final demand letter. Upon tender of all required settlement papers, payment of the settlement shall be made. Plaintiff is required to obtain a release/discharge of any attorney's lien asserted against the proceeds. Faxed signatures shall be deemed originals.

IT IS FURTHER STIPULATED AND AGREED that nothing contained herein shall be deemed to be an admission of liability by the defendant herein nor constitute a policy or practice of the City of New York or any agency thereof. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

Dated: New York, New York

~~October 10, 2018~~

November 17,


KOBRE & KIM, LLP

By: Jason Short, Esq.

Attorneys for Plaintiff Paul Grimmett

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Attorneys for Defendant

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